

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

<b>Flectere LLC,</b>  Plaintiff,  v.  <b>Academy, Ltd.,</b>  Defendant.	Case No. _____  Patent Case  Jury Trial Demanded
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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Flectere LLC (“Flectere”), through its attorney, complains of Academy, Ltd. (“Academy”), and alleges the following:

**PARTIES**

1. Plaintiff Flectere LLC is a corporation organized and existing under the laws of Texas and maintains its principal place of business at 5068 West Plano Parkway, Suite 300, Plano, TX 75093.

2. Defendant Academy, Ltd. is a corporation organized and existing under the laws of Texas that maintains its principal place of business at 1800 N. Mason Rd., Katy, TX 77449.

**JURISDICTION**

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Academy because it has engaged in systematic and continuous business activities in the Eastern District of Texas. Specifically, Academy provides its full range of services to residents in this District. As described below, Academy has committed acts of patent infringement giving rise to this action within this District.

#### **VENUE**

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Academy has committed acts of patent infringement in this District and has a regular and established place of business in this District. Specifically, Academy has retail stores in this location, including a store located at 4045 N. Central Expwy., Plano, TX 75023. In addition, Flectere has suffered harm in this district.

#### **PATENTS-IN-SUIT**

7. Flectere is the assignee of all right, title and interest in United States Patent Nos. 6,272,506 (the “’506 Patent”), 6,415,284 (the “’284 Patent”) and 6,401,094 (the “’094 Patent”) (collectively, the “Patents-in-Suit”), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patents-in-Suit. Accordingly, Flectere possesses the exclusive right and standing to prosecute the present action for infringement of the Patents-in-Suit by Academy.

#### **The ’506 Patent**

8. On August 7, 2001, the United States Patent and Trademark Office issued the ’506 Patent. The ’506 Patent is titled “Computerized Verification Form Processing System and Method.” The application leading to the ’506 Patent was filed on September 12, 1997. A true and correct copy of the ’506 Patent is attached hereto as Exhibit A and incorporated herein by reference.

9. The '506 Patent is valid and enforceable.

10. The inventors recognized that there was a need for improving computerized form processing systems that complied with current manufacturing procedures. Ex. A, 2:46-48.

11. The invention in the '506 Patent provides an improved computerized form processing system and method. Ex. A, 2:15-18.

12. To this end, the inventors recognized the importance of automatically keeping track of changes and complying with government regulations. Ex. A, 4:48-52. ("Thus, system 20, FIG. 2 provides an improved computerized form processing System and method which automatically keeps track of all changes made to data entries in a computerized form and therefore complies with FDA requirements concerning data changes.").

### **The '284 Patent**

13. On July 2, 2002, the United States Patent and Trademark Office issued the '284 Patent. The '284 Patent is titled "Intelligent Forms for Improved Automated Workflow Processing." The application leading to the '284 Patent was filed on June 30, 1999. A true and correct copy of the '284 Patent is attached hereto as Exhibit B and incorporated herein by reference.

14. The '284 Patent is valid and enforceable.

15. The inventors recognized that there was a need for simplifying information for workflow processing and reducing susceptibility of information entry errors. Ex. B, 1:36-40.

16. To this end, the inventors recognized the importance of verifying forms filled with data and reducing error. Ex. B, 2:20-25. ("[I]ntelligent forms . . . intelligently pre-populated using a business data base and includ[ing] logic for verification of properly supplied data to

minimize effort in filling in such forms and to minimize the risk of accepting invalid form data, thus reducing the System's susceptibility to error.”).

### **The '094 Patent**

17. On June 4, 2002, the United States Patent and Trademark Office issued the '094 Patent. The '284 Patent is titled “System and Method for Presenting Information in Accordance with User Preference.” The application leading to the '094 Patent was filed on May 27, 1999. A true and correct copy of the '094 Patent is attached hereto as Exhibit C and incorporated herein by reference.

18. The '094 Patent is valid and enforceable.

19. The inventors recognized that there was a need for the dynamic formatting of information to suit each user's personality traits. Ex. C, 2:1-4.

20. To this end, the inventors recognized the importance of delivering information to a user in a format selected by the user. Ex. C, 2:13-17. (“[T]he present invention is directed to a system and method, usable with the World Wide Web or another communication technology, for delivering information to a user in a format selected by the user.”).

### **COUNT I: INFRINGEMENT OF THE '506 PATENT**

21. Flectere incorporates the above paragraphs herein by reference.

22. **Direct Infringement.** Academy has been and continues to directly infringe at least claim 11 of the '506 Patent in this District and elsewhere in the United States by providing a system, for example, Academy's payment processing portal, that is a computerized form processing system allowing users to fill in their contact information. *See* Figure 1, available at: <https://www.academy.com/shop/AYROrderShippingCmd?catalogId=10051&langId=-1&storeId=10151&krypto=w43nz3hl%2BvpZNSHrxU%2FUBaS0ZzKisgnidKPrM9DXAx5>

[269WR2JHheYJ29ZlqWn6DT0MY681cb21ofVOmdxvs7qb5ldOtYalf%2FHh%2BK28XsAe3U0rv2H50sLiuij3%2B9XTN9EZSYx4ti0%2Bzk33twvNzdkOQlTrBdvGnaWNv%2BDzvBzphvxmiltS5GeCOupH18xNDdTHOgtdPORYUtlZQgwwOrfMdt1Rs%2FMuRJILD8o2qDkKuWmj99kCzdCTiEXORV81cAJGY0nqf7OrAQ7JvXBDZw%3D%3D](https://www.academy.com/order-confirmation/269WR2JHheYJ29ZlqWn6DT0MY681cb21ofVOmdxvs7qb5ldOtYalf%2FHh%2BK28XsAe3U0rv2H50sLiuij3%2B9XTN9EZSYx4ti0%2Bzk33twvNzdkOQlTrBdvGnaWNv%2BDzvBzphvxmiltS5GeCOupH18xNDdTHOgtdPORYUtlZQgwwOrfMdt1Rs%2FMuRJILD8o2qDkKuWmj99kCzdCTiEXORV81cAJGY0nqf7OrAQ7JvXBDZw%3D%3D).

1 Shipping

2 Payment

3 Review

Shipping Address

All fields are required unless noted

First Name

Last Name

Add Company Name

Address

Street Address or P.O. Box

Address Line 2 (optional)

Apt, Suite, Unit, Building, etc...

Enter Zip Code for City and State

Zip Code


Phone (for delivery questions)

Email for Order Confirmation

☐ My billing address is same as shipping


Continue to Shipping Method

Order Summary



Nike Men's Breathe Dry 1/4 Zip Training Pullover  
SKU:111478197  
Item:940177-010  
Size: Small  
Color: Black/Anthracite/Dark Grey

Edit Qty: 1 \$25.00



YETI Hopper Two 20 Cooler  
SKU:111497574  
Item:18020150000  
Color: Field Tan/Blaze Orange

Edit Qty: 1 \$229.99

Cart Subtotal

\$254.99

Estimated Shipping

\$0.00

Estimated Tax

\$0.00

Order Total

\$254.99

Continue to Shipping Method

Figure 1. Academy's payment processing portal allows users to fill in their contact information.

23. Academy's payment processing portal has claim element 1(a): "a database for storing at least one form including one or more fields." For example, Academy's payment processing portal internally stores data entered into the form. See Figure 2.

5

# Shipping Address

— All fields are required unless noted —

First Name

Last Name

Add Company Name

Address

Street Address or P.O. Box

Address Line 2 (optional)

Apt, Suite, Unit, Building, etc...

— Enter Zip Code for City and State —

Zip Code

Phone (for delivery questions)

Email for Order Confirmation

```

▼ <div class="co-container"> == $0
  ::before
  ▼ <div class="co-left">
    ▶ <div id="coProgress">...</div>
    ▶ <input type="hidden" name="userType" id="userType" value="G">
    ▶ <script>...</script>
    ▼ <div id="guestAddress" class="form-container">
      <input autocomplete="on" type="hidden" name="stateCityId" id="stateCityId" value=
        "https://www.academy.com/shop/GetStateAndCity?storeId=10151">
      ▼ <div class="form-container">
        ▼ <form action="AYROrderShippingCmd" id="coShipAddr" method="post" name="coShipAddr"
          onsubmit="return validateAddress(event);">
          <h1 id="coShipAddrTitle" class="legend" tabindex="0">Shipping Address</h1>
          ▶ <div class="divider" tabindex="0" id="allFieldsReqDivider">...</div>
          <input autocomplete="on" type="hidden" name="editReviewShipAdd" id=
            "editReviewShipAdd" value>
          ▶ <div id="coShipAddrFnameGroup" class="form-group has-feedback">...</div>
          ▶ <div id="coShipAddrLnameGroup" class="form-group has-feedback">...</div>
          <a href="#" id="coShipAddrCompanyToggle" class="btn btn-default btn-sm company-
            toggle" aria-expanded="false" aria-controls="coShipAddrCompanyGroup">Add Company
            Name</a>
          ▶ <div id="coShipAddrCompanyGroup" class="form-group has-feedback hidden company-
            field-option">...</div>
          ▶ <div id="coShipAddrAddress1Group" class="form-group has-feedback">...</div>
          ▶ <div id="coShipAddrAddress2Group" class="form-group has-feedback">...</div>
          ▶ <div class="divider" tabindex="0" id="enterZipDivider">...</div>
          ▶ <div id="zipCalcCityState" class="clearfix">...</div>
          <div id="cityStateContainer" class="city-pairing required formRow" style=
            "display: none;">...</div>
            <input type="hidden" id="city_api">
            <input type="hidden" id="state_api">
            <input type="hidden" id="street_api">
            <input type="hidden" id="route_api">
          ▶ <div id="coShipAddrPhoneGroup" class="form-group has-feedback">...</div>
          ▶ <div id="coShipAddrEmailGroup" class="form-group has-feedback">...</div>
          ▶ <div class="form-group">...</div>
          ▶ <span id="saveAddressButton" class="hidden">...</span>
          ▶ <span id="continueShippingButton">...</span>
          ▶ <span id="continueReviewButton" class="hidden">...</span>

```

Figure 2. Academy's payment processing portal internally stores data entered into the form.

24. Academy's payment processing portal has claim element 1(b): "a viewer for viewing a stored form." For example, Academy's payment processing portal allows users to see the data they enter into the form. *See* Figure 2.

25. Academy's payment processing portal has claim element 1(c): "a data entry device for allowing a user to enter information into the fields of the form." For example, Academy's payment processing portal allows users to enter in data, such as street address, into the form. *See* Figure 3.

**First Name**  
Jon

**Last Name**  
Doe

Add Company Name

**Address**  
1400 Preston Rd Ste 400

**Address Line 2 (optional)**  
Apt, Suite, Unit, Building, etc...

Enter Zip Code for City and State

**Zip Code**  
75093

**City, State**  
Plano, TX

**Phone (for delivery questions)**

**Email for Order Confirmation**

*Figure 3. Academy's payment processing portal allows users to enter in data, such as street address, into the form.*

26. Academy's payment processing portal has claim element 1(d): "a monitoring routine configured to actively monitor whether previously entered information in a field of the form is being changed by the user." For example, Academy's payment processing portal monitors whether previously entered information is being changed by users. *See Figure 4.*




```

▶<div id="coShipAddrZipGroup" class="form-group form-group-zip">...</div>
▼<div id="coShipAddrCityStateGroup" class="form-group has-feedback form-group-city-state" style="display: block;">
  ▼<label for="coShipAddrCityState" class="control-label">
    "City, State"
  </label>
  ▶<select id="coShipAddrCityState" name="city_state" class="form-control input-lg">...</select>
</div>
::after

```

**First Name**

**Last Name**

**Address**

**Address Line 2 (optional)**

— Enter Zip Code for City and State —

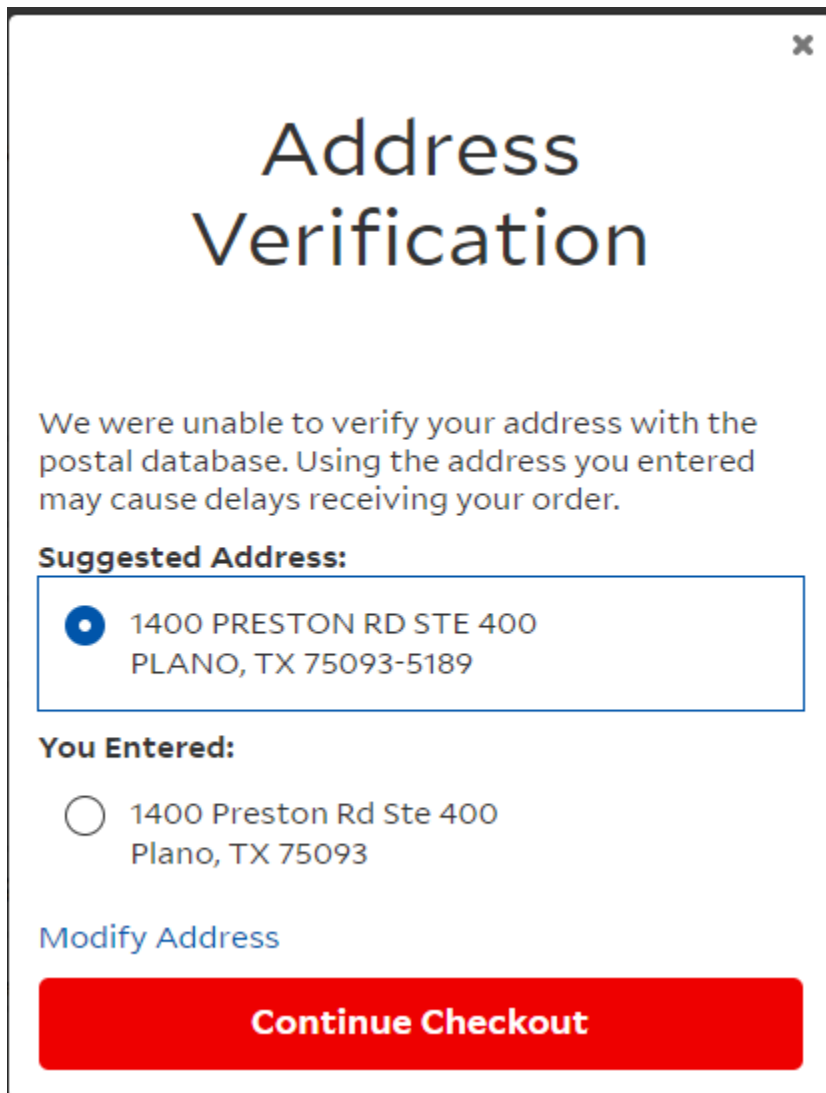
<b>Zip Code</b>	<b>City, State</b>
<input type="text" value="75093"/>	<input type="text" value="Plano, TX"/> ▼

**Phone (for delivery questions)**

**Email for Order Confirmation**

*Figure 4. Academy's payment processing portal monitors whether previously entered information is being changed by users.*

27. Academy's payment processing portal has claim element 1(e): "a field modification verification routine configured to, on the viewer, prompt the user to sign off on any such change." For example, Academy's payment processing portal will ask users whether they want to use a suggested shipping address instead of the address they manually entered and is configured to then prompt the user to sign off on a change to the address information. *See Figure 5.*

A modal window titled "Address Verification" with a close button (X) in the top right corner. The text inside reads: "We were unable to verify your address with the postal database. Using the address you entered may cause delays receiving your order." Below this, it says "Suggested Address:" followed by a blue radio button and the address "1400 PRESTON RD STE 400 PLANO, TX 75093-5189". Underneath, it says "You Entered:" followed by an unselected radio button and the address "1400 Preston Rd Ste 400 Plano, TX 75093". At the bottom left is a link "Modify Address" and at the bottom center is a red button labeled "Continue Checkout".

**Address Verification**

We were unable to verify your address with the postal database. Using the address you entered may cause delays receiving your order.

**Suggested Address:**

☒ 1400 PRESTON RD STE 400  
PLANO, TX 75093-5189

**You Entered:**

☐ 1400 Preston Rd Ste 400  
Plano, TX 75093

[Modify Address](#)

**Continue Checkout**

*Figure 5. Academy's payment processing portal will ask users whether they want to use a suggested shipping address instead of the address they manually entered.*

28. **Induced Infringement.** Academy has also actively induced, and continues to induce, the infringement of at least claim 11 of the '506 Patent by actively inducing its customers, including merchants and end-users to use Academy's website in an infringing manner as described above. Upon information and belief, Academy has specifically intended that its customers use its website that infringe at least claim 11 of the '506 Patent by, at a minimum, providing access to support for, training and instructions for, its website to its customers to enable them to infringe at least claim 11 of the '506 Patent, as described above. Even where performance of the steps required to infringe at least claim 11 of the '506 Patent is accomplished by Academy and Academy's customer jointly, Academy's actions have solely caused all of the steps to be performed.

29. Flectere is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

30. Flectere will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

## **COUNT II: INFRINGEMENT OF THE '284 PATENT**

31. Flectere incorporates the above paragraphs herein by reference.

32. **Direct Infringement.** Academy has been and continues to directly infringe at least claim 1 of the '284 Patent in this District and elsewhere in the United States by providing a method, for example, Academy's payment processing portal, for using a data-entry form to receive data entered by a user allowing users to fill in their contact information. *See* Figure 6, available at:

<https://www.academy.com/shop/AYROrderShippingCmd?catalogId=10051&langId=-1&storeId=10151&krypto=w43nz3hl%2BvpZNSHrxU%2FUBaS0ZzKisgnidKPrM9DXAx5>

[269WR2JHheYJ29ZlqWn6DT0MY681cb21ofVOmdxvs7qb5ldOtYalf%2FHh%2BK28XsAe3U0rv2H50sLiuij3%2B9XTN9EZYx4ti0%2Bzk33twvNzdkOQlTrBdvGnaWNv%2BDzvBzphvxmiltS5GeCOupH18xNDdTHOgtdPORYUtlZQgwwOrfMdt1Rs%2FMuRJILD8o2qDkKuWmj99kCzdCTiEXORV81cAJGY0nqf7OrAQ7JvXBDZw%3D%3D.](#)

1 Shipping

2 Payment

3 Review

Shipping Address

All fields are required unless noted

First Name

Last Name

Add Company Name

Address

Street Address or P.O. Box

Address Line 2 (optional)

Apt, Suite, Unit, Building, etc...

Enter Zip Code for City and State

Zip Code


Phone (for delivery questions)

Email for Order Confirmation


☐ My billing address is same as shipping

Continue to Shipping Method

Order Summary

 Nike Men's Breathe Dry 1/4 Zip Training Pullover  
SKU:111478197  
Item:940177-010  
Size: Small  
Color: Black/Anthracite/Dark Grey  

Edit Qty: 1 \$25.00

 YETI Hopper Two 20 Cooler  
SKU:111497574  
Item:18020150000  
Color: Field Tan/Blaze Orange  

Edit Qty: 1 \$229.99

Cart Subtotal

\$254.99

Estimated Shipping

\$0.00

Estimated Tax

\$0.00

Order Total

\$254.99

Continue to Shipping Method

Figure 6. Academy's payment processing portal allows users to manipulate a data-entry form to receive data entered by a user that allows users to fill in their contact information.

33. Academy's payment processing portal performs the step of claim 1(a): "including one or more fields in the data-entry form." For example, Academy's payment processing portal has multiple data fields in the form the user can fill out. See Figure 7.

12

## Shipping Address

— All fields are required unless noted —

**First Name**

**Last Name**

Add Company Name

**Address**

**Address Line 2 (optional)**

— Enter Zip Code for City and State —

**Zip Code**

**Phone (for delivery questions)**

**Email for Order Confirmation**

*Figure 7. Academy's payment processing portal has multiple data fields in the form the user can fill out.*

34. Academy's payment processing portal performs the step of claim 1(b): "for each of the one or more fields, including verification logic which, when executed, determines whether form data entered by the user is valid." For example, Academy's payment processing portal notifies users whether their zip code is valid, and prefills a city and state dropdown menu. See Figure 8.

Zip Code

987454

City

|

State

select a state



Zip Code

75093

City, State

Plano, TX



```

▼ <div class="co-container"> == $0
  ::before
  ▼ <div class="co-left">
    ▶ <div id="coProgress">...</div>
    <input type="hidden" name="userType" id="userType" value="G">
    ▶ <script>...</script>
    ▼ <div id="guestAddress" class="form-container">
      <input autocomplete="on" type="hidden" name="stateCityId" id="stateCityId" value=
        "https://www.academy.com/shop/GetStateAndCity?storeId=10151">
      ▼ <div class="form-container">
        ▼ <form action="AYROrderShippingCmd" id="coShipAddr" method="post" name="coShipAddr"
          onsubmit="return validateAddress(event);">
          <h1 id="coShipAddrTitle" class="legend" tabindex="0">Shipping Address</h1>
          ▶ <div class="divider" tabindex="0" id="allFieldsReqDivider">...</div>
          <input autocomplete="on" type="hidden" name="editReviewShipAdd" id=
            "editReviewShipAdd" value>
          ▶ <div id="coShipAddrFnameGroup" class="form-group has-feedback">...</div>
          ▶ <div id="coShipAddrLnameGroup" class="form-group has-feedback">...</div>
          <a href="#" id="coShipAddrCompanyToggle" class="btn btn-default btn-sm company-
            toggle" aria-expanded="false" aria-controls="coShipAddrCompanyGroup">Add Company
            Name</a>
          ▶ <div id="coShipAddrCompanyGroup" class="form-group has-feedback hidden company-
            field-option">...</div>
          ▶ <div id="coShipAddrAddress1Group" class="form-group has-feedback">...</div>
          ▶ <div id="coShipAddrAddress2Group" class="form-group has-feedback">...</div>
          ▶ <div class="divider" tabindex="0" id="enterZipDivider">...</div>
          ▶ <div id="zipCalcCityState" class="clearfix">...</div>
          <div id="cityStateContainer" class="city-pairing required formRow" style=
            "display: none;">...</div>
            <input type="hidden" id="city_api">
            <input type="hidden" id="state_api">
            <input type="hidden" id="street_api">
            <input type="hidden" id="route_api">
          ▶ <div id="coShipAddrPhoneGroup" class="form-group has-feedback">...</div>
          ▶ <div id="coShipAddrEmailGroup" class="form-group has-feedback">...</div>
          ▶ <div class="form-group">...</div>
          ▶ <span id="saveAddressButton" class="hidden">...</span>
          ▶ <span id="continueShippingButton">...</span>
          ▶ <span id="continueReviewButton" class="hidden">...</span>

```

Figure 8. Academy's payment processing portal notifies users if they incorrectly enter their zip code and prefills a city and state dropdown menu.

35. Academy's payment processing portal performs the step of claim 1(c): "Sending the data-entry form with the Verification logic through a computer network to a remote computer for entry of the data by the user such that the remote computer receives the data entered by the user and executes the verification logic." For example, Academy's payment processing portal sends the data-entry form with the verification logic through a computer network (e.g. the internet) to a remote computer (e.g. the user's computer) for entry of the data by the user such that the remote computer receives the data entered by the user and executes the verification logic.

Entering a Zip code in the form adds fields including zip code, city and state (see Figure 9); and the verification logic runs on the remote computer and determines whether the zip code, city, and state combination is valid (see Figure 8).

First Name

Jon

Last Name

Doe

Add Company Name

Address

1400 Preston Rd Ste 400

Address Line 2 (optional)

Apt, Suite, Unit, Building, etc...

Enter Zip Code for City and State

Zip Code

75093

City, State

Plano, TX

Phone (for delivery questions)

```

▶<div id="coShipAddrZipGroup" class="form-group form-group-zip">...</div>
▼<div id="coShipAddrCityStateGroup" class="form-group has-feedback form-group-city-state" style="display: block;">
  ▼<label for="coShipAddrCityState" class="control-label">
    "City, State"
    "
    ▶<select id="coShipAddrCityState" name="city_state" class="form-control input-lg">...</select>
  </label>
</div>
::after

```

Figure 9. Academy's payment processing portal allows users to enter in data, such as street address, zip code, city and state.



36. **Induced Infringement.** Academy has also actively induced, and continues to induce, the infringement of at least claim 1 of the '284 Patent by actively inducing its customers, including merchants and end-users to use Academy's website in an infringing manner as described above. Upon information and belief, Academy has specifically intended that its customers use its website that infringe at least claim 1 of the '284 Patent by, at a minimum, providing access to support for, training and instructions for, its website to its customers to enable them to infringe at least claim 1 of the '284 Patent, as described above. Even where performance of the steps required to infringe at least claim 1 of the '284 Patent is accomplished by Academy and Academy's customer jointly, Academy's actions have solely caused all of the steps to be performed.

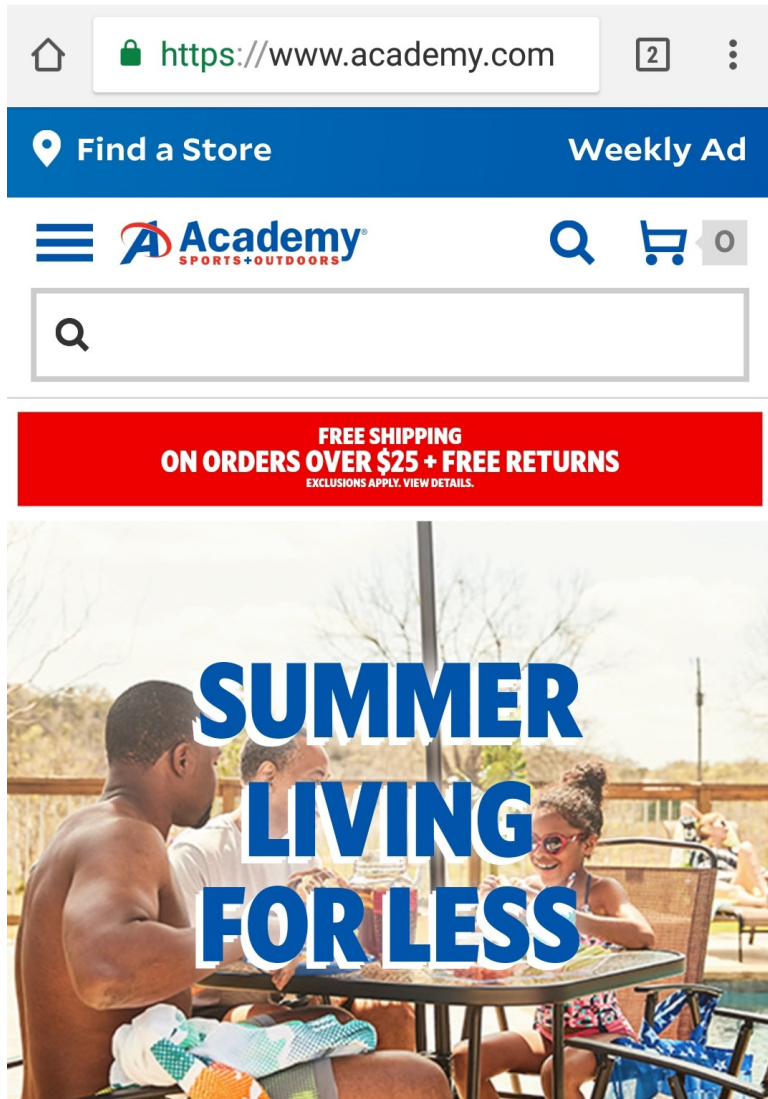
37. Flectere is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

38. Flectere will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

### **COUNT III: INFRINGEMENT OF THE '094 PATENT**

39. Flectere incorporates the above paragraphs herein by reference.

40. **Direct Infringement.** Academy has been and continues to directly infringe at least claim 1 of the '094 Patent in this District and elsewhere in the United States by providing a system, for example, for presenting information to a user on a workstation operated by the user in accordance with a preference specified by the user through the workstation. *See* Figure 1, available at: [www.academy.com](http://www.academy.com).



*Figure 1. Academy’s payment processing portal presents information to a user on a workstation operated by the user in accordance with a preference specified by the user through the workstation.*

41. Academy’s payment processing portal has claim element 1(a): “a database server for storing the information.” For example, Academy’s payment processing portal has a MSQl server to store the information. See Figure 2, available at: <https://docs.microsoft.com/en-us/previous-versions/msp-n-p/ee658120%28v%3dpandp.10%29>.

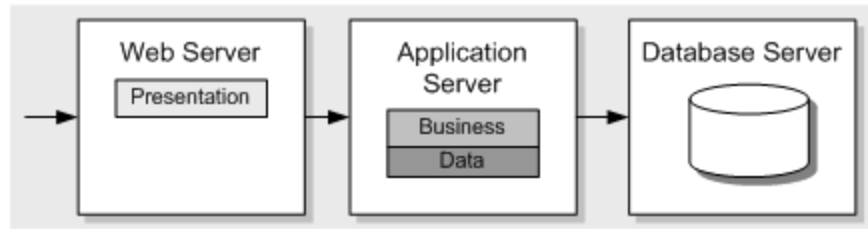
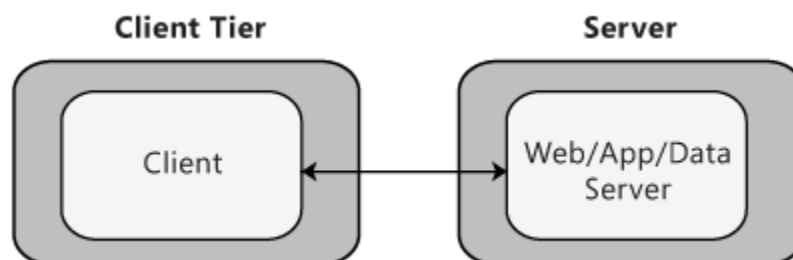
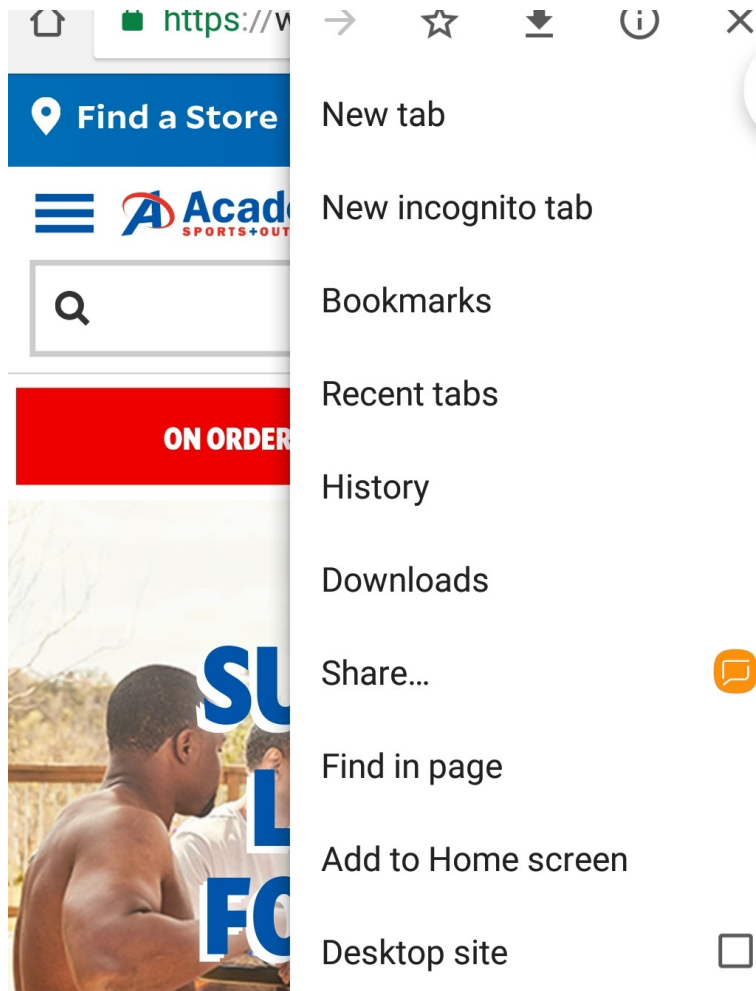


Figure 2. Academy’s payment processing portal has a MSOL server to store the information.

42. Academy’s payment processing portal has claim element 1(b): “an application server, in communication with the database server and the workstation, for receiving from the workstation a request for the information and an indication of the preference which has been specified by the user through the workstation, retrieving the information from the database server, dynamically formatting the information in accordance with the preference to form custom-formatted information and sending the custom-formatted information to the workstation.” For example, a server receives a request for the information and an indication of the preference (e.g. Request desktop site) which has been specified by the user through the workstation. See Figure 3, available at: <https://docs.microsoft.com/en-us/previous-versions/msp-n-p/ee658120%28v%3dpandp.10%29>.

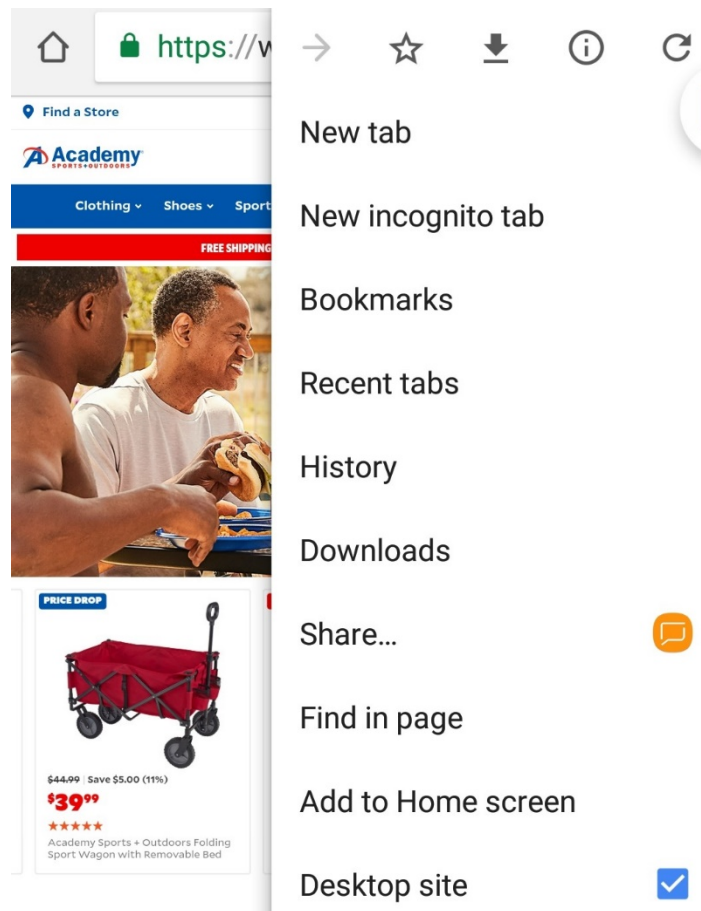




*Figure 3.*

43. The accused instrumentality also retrieves the information from the database server, dynamically formats the information in accordance with the preference to form custom formatted information and sending the custom-formatted information to the workstation. See Figure 4, available at: [www.academy.com](http://www.academy.com).





*Figure 4. Academy's payment processing portal dynamically formats the information in accordance with the preference to form custom formatted information and sends the custom-formatted information to the workstation.*

44. **Induced Infringement.** Academy has also actively induced, and continues to induce, the infringement of at least claim 1 of the '094 Patent by actively inducing its customers, including merchants and end-users to use Academy's website in an infringing manner as described above. Upon information and belief, Academy has specifically intended that its customers use its website that infringe at least claim 1 of the '094 Patent by, at a minimum, providing access to support for, training and instructions for, its website to its customers to enable them to infringe at least claim 1 of the '094 Patent, as described above. Even where performance of the steps required to infringe at least claim 1 of the '094 Patent is accomplished

by Academy and Academy's customer jointly, Academy's actions have solely caused all of the steps to be performed.

45. Flectere is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

46. Flectere will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

#### **JURY DEMAND**

47. Under Rule 38(b) of the Federal Rules of Civil Procedure, Flectere respectfully requests a trial by jury on all issues so triable.

#### **PRAYER FOR RELIEF**

WHEREFORE, Flectere asks this Court to enter judgment against Academy, granting the following relief:

- A. A declaration that Academy has infringed the Patents-in-Suit;
- B. An award of damages to compensate Flectere for Academy's direct infringement of the Patents-in-Suit;
- C. An order that Academy and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from infringing the Patents-in-Suit under 35 U.S.C. § 283;
- D. An award of damages, including trebling of all damages, sufficient to remedy Academy's willful infringement of the Patents-in-Suit under 35 U.S.C. § 284;
- E. A declaration that this case is exceptional, and an award to Flectere of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;

- F. An award of prejudgment and post-judgment interest; and
- G. Such other relief as this Court or jury may deem proper and just.

Dated: May 24, 2018

Respectfully submitted,

/s/ Isaac Rabicoff

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